

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:19-CR-00548-BSM

CARY DELANE HART

DEFENDANT

ORDER

Cary Hart’s pro se motion to reduce his sentence and appoint counsel [Doc. No. 66] is denied because there is no right to appointed counsel in sentence modification proceedings.

United States v. Harris, 568 F.3d 666, 669 (8th Cir. 2009) (per curiam). Additionally, Hart’s plea agreement “waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2). . . .” Doc. No. 62 at 3. Because Hart knowingly and voluntarily entered into his plea agreement, he is not entitled to relief. *United States v. Cowan*, 781 F. App’x 571, 571–72 (8th Cir. 2019) (per curiam) (affirming dismissal of a section 3582(c)(2) motion when the record established that the defendant knowingly and voluntarily entered the plea agreement).

IT IS SO ORDERED this 14th day of August, 2024.


Brian S. Miller
UNITED STATES DISTRICT JUDGE